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Via ECF

August 13, 2015

Honorable Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

*Schoolcraft v. The City of New York, et al.,
10-cv-6005 (RWS)*

Dear Judge Sweet:

I write to the Court as one of the plaintiff's counsel and to request a modification of one of the pre-trial scheduling deadlines in the above-referenced action. This is a request that alters the request that I sent to the Court on August 10, 2015.

On August 10, 2015, with the consent of all parties, I requested that the Court adjourn the pre-trial order filing deadline to August 14, 2015 because of the various needs of all counsel to assemble the materials and work out various issues. The next day, on August 11, 2015, the City Defendants initiated a series of entirely new document productions, providing over 200 pages of new documents, which were stamped NYC 14963 through 15170. These new productions "supplemented" another new production of over 500 pages of newly produced documents last month, and all of these materials need to be reviewed very carefully for the purpose of determining the nature of the new evidence and well as any required counter-designations to respond to the new evidence. Accordingly, because of my need to immediately commence a review of the new production this week, I requested that the defense counsel consent to an adjournment of the date for filing the pre-trial order from August 14th to August 21st. The City Defendant, although the direct cause of the problem, have objected to the request without basis. Indeed, I note that when I sent the letter of August 10th jointly seeking the recent adjournment, the City Defendants should have – but did not – inform me that they were going to be producing new documents the following day, a circumstance that suggests bad faith on their part because I would have certainly have then requested this additional time.

In any event, I need the additional time and accordingly request that the deadline be moved to August 21st and that the other dates all remain the same. Counsel for Jamaica Hospital has told me that they object to this request and counsel for the two doctors, Drs. Bernier and Isakov and for Defendant Mauriello have not yet informed me of their position on this request. Since there is good cause for the request and absolutely no prejudice to any party, I request that the pre-trial order filing deadline be set for August 21, 2015.

Respectfully submitted,


Nathaniel B. Smith